

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**IRVING MURRAY (PROSE),
(PLAINTIFF) SCRANTON**

VS.

NOV - 9 2017

**JOHN E. WETZEL, (ET AL.)
(DEFENDANT(S))**

CIVIL ACTION

No. 03:17-CV-0491

DEMAND JURY TRIAL

(HON - JUDGE CONABOY)

FILED: 10/28/2017

Irving Murray

**PLAINTIFF'S MOTION AND BRIEF IN
OPPOSITION TO DOC DEFENDANT'S
BRIEF IN OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL DISCOVERY**

BACKGROUND

Plaintiff Irving Murray, is prose, an inmate currently incarcerated within the Pennsylvania Department of Corrections (DOC) at the state Correctional facility (SCU) Mahanoy. Plaintiff initiated this action on March 20, 2017, by filing a civil rights complaint pursuant to 42 U.S.C. § 1983, with an motion for Emergency Injunction and Temporary Restraining Order pursuant to Rule 65(a) of the Fed. R. Civ. P. see Docket at 1, and Docket 12. In fact, Plaintiff primarily takes serious issues with his medical and mental health care as well as Retaliatory Conduct, Spoliation of evidence, government interference, Obstruction of justice,
(1-04-7)

unlawful abuse, deliberate denial of
 Hepatitis C, treatment with DAAD's
 medications, racism, insidious discriminations,
 unlawful constant use of deadly policies,
 practices, customs, Known a Risk-stratification
 and DOC's discriminatory and unconstitutional
 policy for treating Hepatitis C infections,
 as the unlawful policies in conjunction
 with defendants' corruptness has caused
 and continues to cause Pa. DOC's inmates
 diseases to progress as prisoners "die" or
 have already "died" of a painful Death
 contrary to this all Defendants targets
 the disadvantage and the Poor inmates
 of color as plaintiff's prolonged
 suffering at the hands of Defendants
 for-profit Interim-Protocol policy old
 and now currently new HCU-Interim-
 protocols. As defendants impede pro-se
 litigants from fully pursuing their claims
 regarding Hep-C treatment into the
 courts, Defendants use every tactic
 so sophisticatedly to Block inmates litigants
 from fully pursuing hard core evidence into
 the U.S. Federal court by using sophisticated
 tactics along with the help of their agents
 at the SCI-Mahanoy institution by blocking

the plaintiff mail motions, etc. because the defendants know the can because plaintiff is poor/indigent and can't afford to send out copies to Defendants especially he can't afford to furnish each defendant copies of Discovery motions. Defendants uses the Plaintiff being poor to their advantage as they make it impossible for defendant to afford Pens, Paper, copies, and postage enough to mail copies of Discovery motion to each defendant so they prey on plaintiff's inability to afford to purchase copy's defendants has a policy that impedes plaintiff from affording copies Postage paper, Pens, Carboned paper, See,

Bounds v. Smith, 430 U.S. 817, 824-25, 97 S. Ct. 1491, 1496, 52 L. Ed. 2d 72, 81 (1977) ("stating that it is "indisputable that indigent inmates must be provided at state expense with paper and pen and copies to draft legal documents with notary services to authenticate them, and with stamps to mail them") However the defendant's actions actually has hindered plaintiff's Murray's pursuit of legal claims and cause actual injuries and will continue to do so.

(3-05-17)

defendants interfered numerous times
 and plaintiff knows that the court
 has to be fully aware of this, by
 other inmates charge plaintiff his
 \$12.00 to 16.00 General labor Pool
 commissary monies in order to mail the
 plaintiff's "legal-mail" out to the clerk
 Peter J. Welsh, plaintiff is unable to
 purchase basic necessities because he's forced
 to prosecute this case or make a choice of
 purchasing paper, postage, copies, or
 soaps deodorants, etc. or sell his food
 trays in order to prosecute this case.
 plaintiff cannot try to survive off of
 \$11.00 or \$12.00 dollars per-month and
 prosecute this case so therefore he's forced
 to be contemplating "Suicide" rather than
 deal with the prolonged pains and suffering
 of his chronic painful Hepatitis C liver
 damage. it pretty obviously clear he may
 "die" at the hands of defendants and their
 agents working in concert with them to
 legally murder plaintiff as the court
 is allowing them to do so, and the
 defendants obviously do what they want
 because they have and continue to follow any
 court's orders. It's flat out disrespectful
 to this honorable court and it's in the
 public's interest the public should know about
 these unlawful acts that's forcing me to
 (4007-7)

Seriously consider "Killing myself" suicide is my only option Plaintiff is tired to keep fighting to stay alive by ways of seeking medications for chronic painful hepatitis C. It is clear that DAAD treatment is not provided because of financial considerations, the practice is unconstitutional and otherwise in violation of the United States Constitution, the Pennsylvania Constitution, and Pennsylvania state law as they deny necessary and appropriate medical care to Plaintiff and members of the pending class action law suit. In Mumia Abu-jamal v. Wetzel, 3:16-cv-2000, 2017 U.S. Dist. Lexis 368 (M.D. Pa. January 3, 2017)

White v. White, 886 F.2d 721, 722, 23, (4th Cir. 1989) (free postage denied to plaintiff who had \$5.00 in his account 10 days previously); Gluth v. Kangas, 951 F.2d 1504 1509-10 (9th Cir. 1990) (upholding lower court's order that free materials be provided to prisoners with less than \$12.00 in their accounts); Plaintiff is unable to properly serve defendant due to all these above mentioned circumstances. Therefore, since this is caused by the defendants and their agents acting in concert, Plaintiff's motion to Compel should be granted. Id.

(5-0P-7)

Conclusion

Even though plaintiff is poor and is blocked by defendants and their agents at the Institution of Mahanoy as well as DOC's policy which infringes upon plaintiff ability to serve defendants at a later date because he can't foot the bill because he's on General Labor Pool GLP allowance by choice of the defendants who refuse to employ plaintiff on the B-A unit because of his mental disability and because of his litigiousness being a litigator and his friendship with accused cop killer Mumia Abu-jamal plaintiff faces imminent danger and constant sophisticated retaliation and will not be hired for job employment where he can be able to make enough monies to make copies to properly serve all defendants, especially when his outgoing motions are constantly rejected forcing him to go into debt with inmates to send his motions to this court to name a few inmates Shawn Conclin, Jack Parker, Lawrence Smith and Mumia Abu-jamal, these inmate had to pay to send my motions to the clerk of court Peter J. Welsh, wherefore, plaintiff respectfully request that defendants motion be ultimately denied

Respectfully Submitted
Mumia Abu-jamal 11/21/2017

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(DEFENDANTS)

DATED: 10/28/2017

CERTIFICATE OF SERVICE

I hereby certify that I am on this 28th
Day of October, 2017, depositing this
motion and brief in opposition to defendant's
motion in opposition to Plaintiff's motion
to compel Discovery in the U.S. mail a
true and correct copy of the foregoing
Brief upon clerk of Court and
DOC's attorney Linda fantom legal
Assistant. Plaintiff prose representing
Self. and thus satisfies the service
requirements under Fed. R. Civ. P. 5(b)(2)(C)
L.R. 5.7.

Irving Murray
IRVING MURRAY #KP3861
301 MOREA ROAD.
FRACKVILLE, PA. 17932
BA-unit R.T.U cell #59.

Dated: October 28, 2017

(708 P. 7)

IRVING MURRAY #KP3561
 301-MOREA ROAD,
 FRACKVILLE, PA. 17932

**MOTION
 ENCLOSED**

(Letter
 1-OF-2)

**RECEIVED
 SCRANTON**

NOV 09 2017

PER
 DEPUTY CLERK

JSMS X-RAY

INMATE MAIL
 PA DEPT OF
 CORRECTIONS

Hasler
 11/07/2017
US POSTAGE \$000.46



ZIP 17932
 011E12650639

PETER J. WELSH, ESQ.
 UNITED STATES DISTRICT COURT
 MIDDLE DISTRICT COURT OF PA
 235 N. WASHINGTON AVENUE
 WILLIAM J. NEALOW FEDERAL COURT
 SCRANTON, PA. P.O. BOX-1148
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